



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SSA/APW
F. #2021R00830

*610 Federal Plaza
Central Islip, New York 11722*

July 29, 2024

By ECF and Email

The Honorable Gary R. Brown
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Devin Lopez-Dominguez
Criminal No. 21-451 (S-3) (GRB)

Dear Judge Brown:

The government respectfully submits this revised letter in advance of the defendant Devin Lopez Dominguez's sentencing, which is currently scheduled for July 19, 2024. Pursuant to a negotiated plea, the parties jointly recommend that the Court sentence the defendant to 60 months' (5 years') imprisonment, to be followed by a term of supervised release.

I. The Charges

The defendant was federally arrested on June 29, 2022, in a car with co-defendants Charlie Maisonet and Jeffrey Vargas. At the time, pursuant to this investigation, law enforcement was monitoring the location of Maisonet's phone in order to arrest him. They tracked the phone to a black Mercedes parked in Brooklyn. They surrounded the car, and Vargas, the driver, attempted to ram into police vehicles.

As law enforcement was ordering the occupants out of the vehicle, agents observed the defendant, a passenger in the back seat, attempting to conceal an object. When agents opened the door to the vehicle, they observed the butt of a gun and a bottle of Promethazine (a controlled substance typically sold in pharmacies) in the pocket of the rear passenger door right next to where Dominguez was sitting. Additionally, agents observed a bag with a second gun and pharmacy bottle containing a large quantity of Oxycodone sticking out of it on the back seat, and a large bag of marijuana on the floor. Notably, law enforcement determined that a portion of the controlled substances in the car had been stolen from a Long Island pharmacy two days before the arrest.

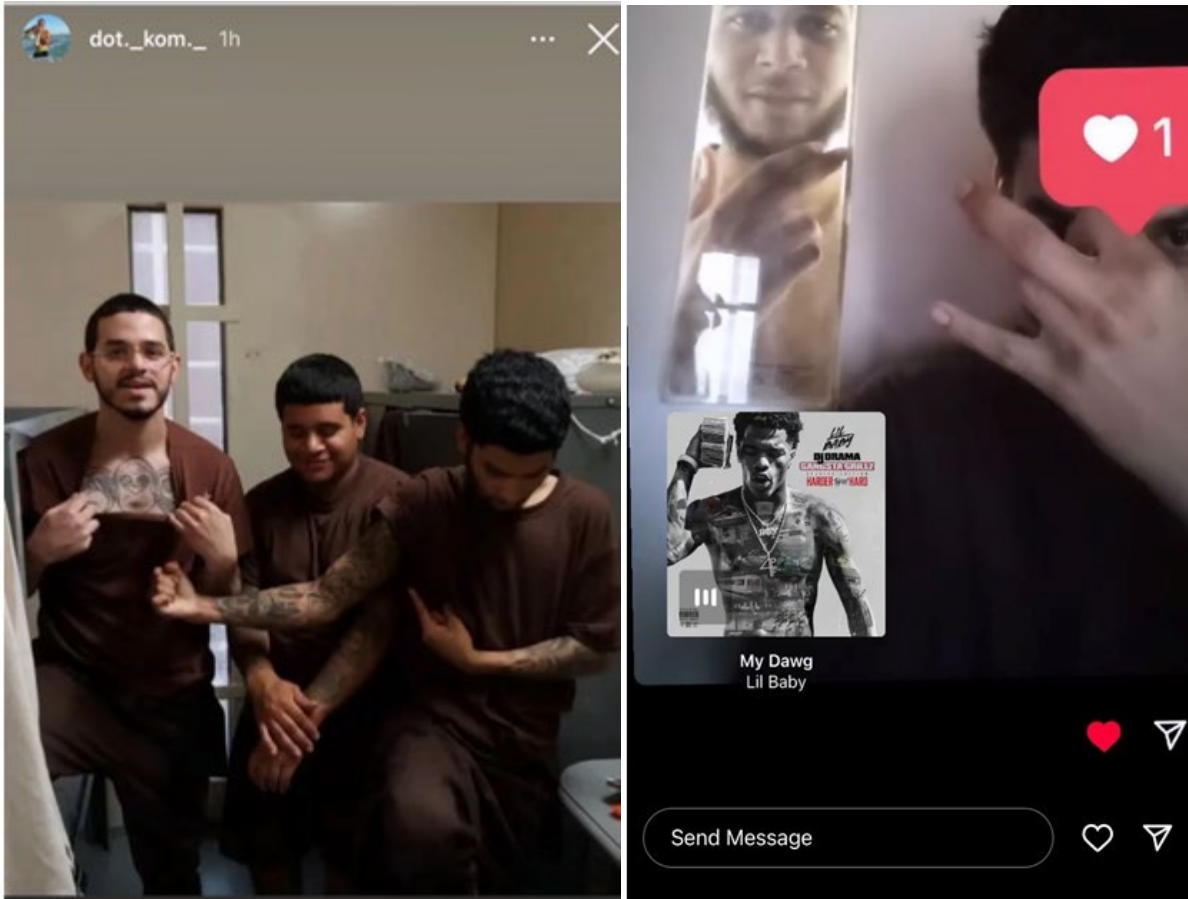




At the time of the arrests, Maisonet and Vargas were the subject of federal arrest warrants for their role in the Route Boys gang. While the defendant was not listed on the initial indictment, after his arrest with Maisonet and Vargas, the government investigated his ties to the Route Boys, and included charges against him on subsequent superseding indictments. Social media and phone show that the defendant was in contact with many of the twelve named Route Boys defendants, and often communicated with them about selling and purchasing controlled substances. For example, on November 6, 2020, the defendant messaged Jason Liriano on Instagram and wrote: “I’m route boy ceo.” In text messages with Liriano during that same time period, the defendant discussed how they could resell promethazine cough syrup—a product that was frequently stolen during the pharmacy burglaries—for a profit. On April 24, 2021, the date of

a pharmacy burglary described in the indictment, the defendant wrote to Naresh Deonarrain “Got Wock for you 190.”¹

Since his arrest and incarceration, the defendant has appeared in photos with other Route Boys (from inside the Metropolitan Detention Center, presumably taken on a contraband cell phone). Below, the defendant is pictured with Liriano, Carlos Acevedo and Alberto Santiago:²



¹ Based on the investigation, “wock” refers to Wockhardt Promethazine-Codeine cough syrup, which is a controlled substance frequently stolen during pharmacy burglaries committed by the Route Boys.

² The first photo of the defendant, Alberto Santiago, and Carlos Acevedo inside the MDC was posted to Alberto Santiago’s Instagram story on or about September 23, 2022. The second photo of the defendant and Jason Liriano was posted to the defendant’s Instagram story on or about July 2, 2022. Each photograph was screen shot by a law enforcement agent on or about the date that it was posted on the respective Instagram accounts.

II. The Sentencing Guidelines and the Plea Agreement

The Presentence Investigation Report (PSR) prepared by the United States Department of Probation (Probation) calculates a total offense level of 27 and criminal history category II, resulting in a guidelines imprisonment range of 78 to 97 months (PSR ¶¶ 84-96, 100-102, 138).

The estimated total offense level in the plea agreement is 24: the government did not include a two-level enhancement for obstruction of justice, as Probation did.³ Additionally, the government included a one-level reduction for a global disposition. Accordingly, at a level 24, in criminal history category II, the plea agreement estimated the defendant's applicable range of imprisonment as 57 to 71 months. Importantly, by his agreement, the defendant stipulated to this range.⁴

The government continues to recommend a 60-month custodial sentence, jointly with the defense; Probation concurs.

III. The Defendant's Criminal History

In 2017, in Queens, the defendant was convicted as a 16-year-old youthful offender of attempted robbery in the second degree, a felony (PSR ¶ 98). In 2017, he was convicted of felony fraud in Pennsylvania, after being arrested with two fake checks worth over \$16,000. There was drug paraphernalia in the car at the time. And in 2019, he was arrested in connection with another fraudulent check scheme in New Hampshire (the charges were ultimately dismissed).

Since his incarceration on this matter, the defendant has incurred numerous sanctions for disciplinary issues, including for possessing contraband and fighting.

IV. Argument

The defendant attempts to drastically minimize his conduct, arguing that he is not a member of the Route Boys, did not sell stolen pharmaceuticals, and did not post images of himself with firearms. While the government agrees that the defendant was not as heavily involved in the enterprise as some of his co-defendants, his own conduct and words demonstrate his affiliation. The attached addendum shows a sample: conversations with other Route Boys about selling drugs; photos of stolen pharmaceuticals advertised for sale; and firearms.

When he was arrested in connection with this case, he was with two established Route Boys, in a car full of drugs (including drugs recently stolen from a pharmacy) and two guns.

³ As stated in this submission, when agents attempted to arrest the defendant, Maisonet and Vargas, Vargas, the driver, tried to flee and ram into their official vehicles. While this certainly created a substantial risk to the officers, the government did not include this adjustment because the defendant was not the driver.

⁴ Curiously, the defendant objects to the PSR's two-level enhancement for being in possession of a firearm at the time of the offense, despite stipulating to it in his plea agreement.

The guns were in plain view in the rear seat where the defendant was positioned, contradicting any argument that he was unaware of their presence.

IV. Conclusion

For these reasons, the government respectfully submits that a sentence of 60 months is sufficient, but not greater than necessary to serve sentencing goals in this case.

Respectfully submitted,

BREON PEACE
United States Attorney

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cc: Albert Dayan, Esq. (by ECF)
Clerk of the Court (GRB) (by ECF)
U.S.P.O. Lisa Langone and U.S.P.O. Steven Guttman (by email)

ADDENDUM

Author jayy_bigfella (Instagram: 20497239)
Sent 2020-11-06 15:42:27 UTC
Body □□□□

Author devcash_ (Instagram: 225990162)
Sent 2020-11-06 15:42:59 UTC
Body Dam bro love you to

Author devcash_ (Instagram: 225990162)
Sent 2020-11-06 15:43:11 UTC
Body I'm route boy ceo

The defendant ("devcash") messages co-defendant Jason Liriano ("jayy_bigfella") that the defendant is "route boy ceo."

Author air_biggavelli (Instagram: 466591693)
Sent 2021-02-18 05:33:31 UTC
Body Route boys international

Author devcash_ (Instagram: 225990162)
Sent 2021-03-25 23:47:53 UTC
Body You started a video chat

Someone messages the defendant "Route boys international."

Author devcash_ (Instagram: 225990162)
Sent 2021-04-24 04:00:27 UTC
Body Got wock for you 190

Author nocheck_kans (Instagram: 6819492615)
Sent 2021-04-24 04:00:39 UTC
Body Ima grab a line

Author nocheck_kans (Instagram: 6819492615)
Sent 2021-04-24 04:00:42 UTC
Body Wyfw tho

Author devcash_ (Instagram: 225990162)
Sent 2021-04-24 04:00:46 UTC
Body 180

Author nocheck_kans (Instagram: 6819492615)

Sent 2021-04-24 04:05:18 UTC

Body Try to get that gang

Author devcash_ (Instagram: 225990162)

Sent 2021-04-24 04:05:23 UTC

Body Bet gang

Author devcash_ (Instagram: 225990162)

Sent 2021-04-24 04:05:26 UTC

Body And lmk I'm w Tom

Author devcash_ (Instagram: 225990162)

Sent 2021-04-24 04:05:29 UTC

Body Tok *

The defendant tells co-defendant Naresh Deonarrain he has “wock” (Promethazine) for him for \$180, and later, tells him that the defendant is with “Tok” (co-defendant Eric Nunez).

Author devcash_ (Instagram: 225990162)

Sent 2021-12-23 01:24:50 UTC

Body I already know gang shit crazy | Hurd the news you know what we got for em tho ape

Author devcash_ (Instagram: 225990162)

Sent 2021-12-23 01:24:56 UTC

Body We is diff from these other hoods

Author nocheck_kans (Instagram: 6819492615)

Sent 2021-12-23 04:13:41 UTC

Body Gangsta Niggas don't kno we still move as one at the end of the day that's why people like that would never get no where in life real talk

The defendant discusses being different than other neighborhoods and “moving as one” with Eric Nunez.

Author devcash_ (Instagram: 225990162)

Sent 2021-05-01 14:53:12 UTC

Body Ima book him now

Author devcash_ (Instagram: 225990162)

Sent 2021-05-01 14:53:40 UTC

Body Cus he's bugging

Author therealtok (Instagram: 700563451)

Sent 2021-05-01 14:53:46 UTC

Body 240 a line nah he trynna get booked

The defendant discusses robbing someone (“book him now”) with Eric Nunez.



The defendant posts images of pharmacy bottles of promethazine, in one with the caption “Wok here!!” and an image of a cell phone, meaning to reach out to him to purchase. A sealed bottle, as pictured, is more valuable to sell.

Author trizzygrvmz (Instagram: 25589580469)
Sent 2022-07-02 18:57:03 UTC
Body Niggas chattin on my name dont even kno the facts smh

Author devcash_ (Instagram: 225990162)
Sent 2022-07-02 18:58:11 UTC
Body Fuck them free the route

Author devcash_ (Instagram: 225990162)
Sent 2022-07-02 18:58:33 UTC
Body Im not even in this but i had my chop

Author devcash_ (Instagram: 225990162)
Sent 2022-07-02 18:58:49 UTC
Body Andd niggas wanted me to help them

Author trizzygrvmz (Instagram: 25589580469)
Sent 2022-07-02 19:00:22 UTC
Body Talk sports bro

Shortly after being arrested and incarcerated, the defendant says “fuck them free the route” and tells someone that he had his “chop” (a code word for gun). The person he is messaging responds “talk sports bro,” presumably reminding him not to put such an admission in writing.

